



GEORGIA M. PESTANA
Acting Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

ELISSA B. JACOBS
Senior Counsel
ejacobs@law.nyc.gov
Phone: (212) 356-3540
Fax: (212) 356-1148

March 26, 2021

By ECF

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *In Re: New York City Policing During Summer 2020 Demonstrations*
This document is related to: 20 Civ. 8924, 20 Civ. 10291, 20 Civ. 1054, 21 Civ. 0533, and 21 Civ. 1904.

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and the attorney assigned to represent defendants in the six above-referenced matters. In that capacity, I write to respectfully request that the Court extend the time, *sua sponte*, for certain individual defendants below a policy-making level to answer or otherwise respond to the complaints in these actions for thirty days, until April 27, 2021.¹ This requested extension does not affect any other dates or deadlines. in *Payne*, *Sow*, *Sierra*, *Woods* and *Yates* consent to this request. Counsel in *People* take no position.

As the Court is aware, on February 22, 2021, Your Honor held a conference and set an expedited schedule for motion practice and discovery. See ECF No. 40.² In accordance with that Order, plaintiffs were directed to file Amended Complaints by March 5, 2021, and defendants were directed to file any Motion to Dismiss by today, March 26, 2021. That motion has been made on behalf of the City and three individuals at a policy-making level: Mayor Bill DeBlasio, Commissioner Dermot Shea, and Chief of Department Terrence Monahan. However, in addition to those defendants, plaintiffs collectively have named 21 additional officers,

¹ The named individuals are Chief Fausto Pichardo, Assistant Chief Kenneth Lehr, Detective Edward Carrasco, Officer Talha Ahmad, Officer Kevin Agro, Officer Ismael Hernandez Carpio, Officer Umon Karmov, Officer Alfredo Jeff, Officer Debora Matias, Officer Andre Jeanpierre, Sergeant Gypsy Pichardo, Sergeant Keith Cheng, Officer Matthew Tarangelo, Officer Matthew L. Perry, Lieutenant Thomas R. Hardell, Detective Damian Rivera, Officer Jaqueline Vargas, Officer Joseph Deck, Lieutenant Michael Butler; Officer Aaron Husbands, and Sergeant Thomas E. Manning. .

² All citations to Electronic Case Filing in this letter refer to the *People* Docket Sheet.

including 13 officers who were named for the first time on March 5, 2021. This office is still in the process of making representation decisions on behalf of these officers. Therefore, this Office is requesting that the Court *sua sponte* extend the time for those 20 officers to respond to the Amended Complaints by 30 days.

This extension is necessary as it will give this Office a chance to investigate, evaluate, and respond to the allegations in the Complaint as it pertains to these individuals. To sufficiently investigate and respond to the allegations, the undersigned must obtain and review certain documents, and then speak with each of the named individuals. Under Local Civil Rule 83.10, eighty days is the standard amount of time granted in these types of cases, most of which only have a single plaintiff, to conduct this type of review. In light of the Court's desire for this case to proceed expeditiously, this Office is not asking for extension of that length. However, particularly in light of the continuing COVID-19 public health crisis, an extension is still necessary. Due to the global pandemic, the agencies and individuals that defendant City of New York must regularly communicate and coordinate with continue to face communication and access challenges. These challenges cause extensive delays in the agencies' ability to fulfill document and information requests. This prevents the City from having the information necessary to assess this matter and otherwise conduct regular business as quickly as prior to the pandemic.

Therefore, defendants respectfully request that the Court extend defendants of time to respond to the Complaints in these three actions until after the conference.

Thank you for your consideration herein.

Respectfully submitted,

Elissa B. Jacobs

Elissa B. Jacobs

Senior Counsel

Special Federal Litigation Division

cc: **Via ECF:**
All Counsel of Record